



Express Mail Label No.: EV287336686US
Date of Deposit: April 23, 2004

Attorney Docket No.: 1661 CIP
(Current Docket No.: 28195-502 CIP)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Jonathan S. Stamler
SERIAL NUMBER. : 09/782,077 EXAMINER : John D. Pak
FILING DATE : February 14, 2001 ART UNIT : 1616
FOR : *TREATING PULMONARY DISORDERS WITH GASEOUS AGENT CAUSING REPLETION OF GSNO*

MAIL STOP AF

Commissioner for Patents
P. O. Box 1450
Arlington, VA 22313-1450

NOTICE OF APPEAL FOR THE FINAL OFFICE ACTION DATED
DECEMBER 29, 2003

Pursuant to 37 C.F.R. §1.191, Applicant hereby files a Notice of Appeal with the Board of Patent Appeals and Interferences to appeal from the Office Action mailed December 29, 2003 finally rejecting the claims in the above-identified application. A check in the amount of \$165.00 for filing this Notice of Appeal for a small entity is enclosed herewith in accordance with 37 C.F.R. § 1.17(b).

Applicant has filed concurrently herewith a petition for a one-month extension of time and the fee required under 37 C.F.R. § 1.17(a)(1). With the extension, the Notice of Appeal is due on or before April 29, 2004. The Commissioner is authorized to charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 28195-502 CIP (Customer Number: 35437). A duplicate copy of this Notice is enclosed.

Respectfully submitted,



Ivor R. Elrifi, Reg. No. 39,529
Caryn DeHoratius, Reg. No. 45,881
Attorney/Agent for Applicant
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
The Chrysler Center
666 Third Avenue-24th Floor
New York, New York 10017
Telephone: (212) 935-3000
Fax: (212) 983-3115

Date: April 23, 2004

04/27/2004 WASFAW1 0000005 09782077

01 FC:2401

165.00 OP